

McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Stewart of Baltimore city, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—39.

Negative—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Wells, Randall, Kent, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Fiery, Waters and Smith—33.

So the whole subject was laid on the table.

Mr. SPENCER, [to the President.] What is the next order of the day?

The PRESIDENT. It is the report made by the Chairman of the committee on the executive department, (Mr. Grason.)

Mr. SPENCER. The Chairman of that committee is not now in the city. It is probable he may be here to-morrow. I move that its consideration be postponed, and that, in the meantime, the Convention proceed to the consideration of the bill of rights.

Several voices. The Chairman of the committee on the bill of rights (Mr. Dorsey) is also absent.

There being no further business before the Convention at this time,

The Convention adjourned until to-morrow at eleven o'clock.

TUESDAY, January 28, 1851.

The Convention met pursuant to adjournment.

Prayer was made by the Rev. Mr. GRAUFF.

A quorum being present, the journal of yesterday was read.

THE PREVIOUS QUESTION, &c.

Mr. BLAKISTONE, in pursuance of the notice he had yesterday given, moved to strike out the 17th rule of the Convention, and substitute in lieu of it the following:

"The previous question shall be always in order in Convention, if seconded by a majority, and until decided, shall preclude all further amendment and debate, and shall be in this form: 'shall the main question be now put?' when on taking the previous question the Convention shall decide that the same shall not now be put, the main question shall be still under consideration, and if the previous question is sustained, the main question shall be on the adoption of the proposition under consideration, and in cases where there shall be pending amendments, the question shall be first taken upon such amendments in their order, and without further debate or amendment.

Mr. B. in support of his motion, referred to the changes which had taken place in the rule which regulates the previous question, by the

adoption of the amendments of the gentleman from Anne Arundel, (Mr. Randall,) and the gentleman from Baltimore city, (Mr. Brent.) He (Mr. Blakistone,) thought that the Convention must be satisfied that these changes did not affect the good which seemed to be anticipated from their adoption; because, under the construction which the Chair had given to the rule as amended, the Convention could not come to a definite conclusion upon any subject, if a minority was disposed to prevent it. He illustrated its operation. His desire was that the rule should be so amended as to give power to a majority at all times to come to a vote upon any original proposition. He thought that the dispatch of the public business would be greatly facilitated by the adoption of his amendment.

Mr. B. thought it was necessary also, to restore the power which had recently been taken away, to call the yeas and nays in committee of the whole; so as to give gentlemen an opportunity to spread their votes before their constituents upon every important proposition which might be offered there.

Mr. BISER desired to ask a question of the Chair, the answer to which, he said, would control his vote. It was this: Was it in order to call the previous question at any stage of a bill under consideration? And, if sustained, would the Convention be brought without further debate, to a direct vote on the proposition and the amendments pending?

The PRESIDENT stated that, in his judgment, the previous question, under the rule as it now stood, would apply to the pending matter, whether it was an amendment or the whole bill. But the moment the previous question was taken upon the question then under consideration, the previous question was exhausted.

After some explanation between Mr. BISER and the PRESIDENT, on the point of order,

Mr. BISER said he should vote for rescinding the rule.

Mr. BRENT, of Baltimore city, replied briefly to Mr. Blakistone, and in defence of the amendment adopted on his, (Mr. Brent's,) motion. After alluding to the tendency manifested by the Convention towards a constant change of rules, he submitted that no evidence had been afforded of a disposition on the part of a minority of the Convention to offer amendments, frivolously and wantonly, merely for the purpose of delay, and until he should see such a spirit manifested here, he was not inclined to favor any further change. He denied that the least inconvenience had as yet resulted from the amendment. He disputed the correctness of the operation of the rule as illustrated by Mr. Blakistone, and thought it was a reflection upon the Convention, to suppose that a minority would trifle with the time of the body, or offer amendments for the purpose of defeating its action. The evil complained of by the gentleman, (Mr. Blakistone,) was as yet quite speculative, and it would be time to apply the remedy when the evil was known to exist.

As to the defect in the twenty-ninth rule, Mr. B. read an amendment which he intimated, would